

Appl. No. 09/857,333
Response filed December 8, 2003
Reply to Office Action of October 6, 2003

REMARKS

Claims 1, 2, 11-14, and 16-27 are pending in the present application. Claims 2, 16, 17, and 23 are amended. No new matter was added by these amendments. Applicants respectfully request consideration of the present claims in view of the foregoing amendments and the following remarks.

Rejection of Claims 2, 12, 14, 17, 19, 21, 23, 25 and 27 under 35 U.S.C. § 101

Claims 2, 12, 14, 17, 19, 21, 23, 25 and 27 are rejected under 35 U.S.C. § 101 as not constituting a well-established utility. The Examiner has objected to these claims stating that the art of record recognizes the complex nature of inflammation, indicative that no single agent will successfully prevent any future occurrence of inflammation.

In an effort to facilitate prosecution, Applicants have herein amended the relevant claims replacing the concept of prevention of inflammation with reduction of inflammation. The Examiner indicated in the October 6, 2003 Office Action that such claims would be allowable. In light of the amendment, Applicants request reconsideration and removal of the rejection and allowance of the claims.

Rejection of Claims 1, 11, 13, 16, 18, 20, 22, 24, and 26 under 35 U.S.C. § 112, first paragraph

The Examiner has also rejected Claims 1, 11, 13, 16, 18, and 20 under 35 U.S.C. § 112, first paragraph, as not being enabled by the specification. Specifically, the Examiner indicated that while being enabling for claims reciting methods for reducing inflammation, the specification is not enabling for claims directed to preventing inflammation.

Applicants believe that the Examiner intended to direct this rejection to Claims 2, 12, 14, 17, 19, 21, 23, 25 and 27 because these claims recite methods for preventing of inflammation whereas Claims 1, 11, 13, 16, 18, and 20 recite methods for treating inflammation (which are indicated as allowed on page one of the Office Action (the Office Action Summary)).

In an effort to facilitate prosecution, Applicant has herein amended the relevant claims replacing the concept of prevention of inflammation with reduction of inflammation. Support of

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the amendments are found throughout the specification, for example on page 4, lines 3-5 and Examples 3 and 4 pages 8 and 9. The Examiner indicated in the October 6, 2003 Office Action that such claims would be allowable. In light of the amendment therefore, Applicant requests reconsideration and removal of the rejection.

CONCLUSION

For at least the reasons given above, Applicant respectfully submits that Claims 1, 2, 11-14, and 16-27 define patentable subject matter. Accordingly, Applicant submits that the claims in the present application are in condition for allowance, and such action is courteously solicited. The Examiner is invited and encouraged to contact the undersigned attorney of record at telephone number listed below, if such contact will facilitate an efficient examination and allowance of the application.

Respectfully submitted,


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